

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

FILED BY CLERK

NOV 30 2007

COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,

Appellee,

v.

CHRISTOPHER ANGELITO
VANNATTA,

Appellant.

)
)
) 2 CA-CR 2007-0121
) DEPARTMENT B
)

MEMORANDUM DECISION

)
) Not for Publication
) Rule 111, Rules of
) the Supreme Court
)
)
)

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20054897

Honorable Stephen C. Villarreal, Judge

AFFIRMED

Harriette P. Levitt

Tucson
Attorney for Appellant

ESPINOSA, Judge.

¶1 Following a jury trial, appellant Christopher Vannatta was convicted of aggravated driving under the influence of an intoxicant and driving with an alcohol concentration of .08 or more, both while his license was suspended, canceled, revoked or

in violation of a restriction. The trial court sentenced Vannatta to concurrent, mitigated prison terms of eight years, enhanced by his two historical prior felony convictions.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967); *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969); and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating she has thoroughly reviewed the record without finding any arguable issues to raise on appeal and asking us to search the record for fundamental error. Consistent with *Clark*, counsel has set “forth a detailed factual and procedural history of the case with citations to the record, [so] this court can satisfy itself that counsel has in fact thoroughly reviewed the record.” 196 Ariz. 530, ¶ 32, 2 P.3d at 97. Vannatta has not filed a supplemental brief.

¶3 The evidence at trial established that a Pima County sheriff deputy had stopped Vannatta’s vehicle shortly after 7:30 p.m. because it had expired registration tags. The deputy noticed Vannatta’s eyes appeared watery and his speech was slurred, and he “detected a[n] odor of intoxicants emitting from the vehicle.” Vannatta agreed to perform field sobriety tests. He exhibited four out of six cues on the horizontal gaze nystagmus test and four out of four cues on the walk-and-turn test, but successfully completed the one-leg-stand test. Vannatta was arrested and then submitted to a blood test approximately one hour later, which yielded a blood alcohol concentration of .24. The state presented evidence that Vannatta’s license was both suspended and revoked on the date he was stopped. There was sufficient evidence supporting the guilty verdicts. See A.R.S. §§ 28-1381 and 28-1383.

¶4 We have reviewed the entire record for fundamental error pursuant to our obligation under *Anders* and have found none. We therefore affirm Vannatta's convictions and the sentences imposed.

PHILIP G. ESPINOSA, Judge

CONCURRING:

PETER J. ECKERSTROM, Presiding Judge

GARYE L. VÁSQUEZ, Judge